

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Katon Lang

v.

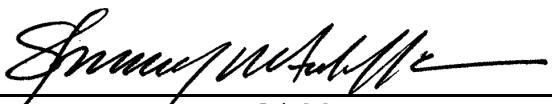
Case No. 07-cv-66-SM

James O'Mara, Jr., Superintendent,
Hillsborough County Department of
Corrections; Ronald Potter; David
Archambault; and Todd Gordon

NOTICE OF RULING

Re: (Document No. 42) Defendants' Motion for Reconsideration
of Order Denying Motion for Summary Judgment

Ruling: **Denied.** Defendants miss the point. Yes, their version of the pertinent events would, if true, entitle defendants to summary judgment, but the record does not. Defendants themselves submitted evidence in support of their summary judgment motion (i.e., plaintiff's sworn version of the pertinent events) which demonstrated the existence of genuine disputes as to material facts precluding summary judgment. With respect to qualified immunity, again, if plaintiff's version of the pertinent events (which defendants put before the court) is accepted by the jury, defendants would not be entitled to qualified immunity.



Steven J. McAuliffe
Chief Judge

February 19, 2009

cc: Michael J. Sheehan, Esq.
Elizabeth L. Hurley, Esq.
John A. Curran, Esq.